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MILLENNIUM IMPORT LLC

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 HAMBRECHT WINE GROUP, L.P. d/b/a) Case No. C 05-4625 JW HRL
17 BELVEDERE WINERY, L.P.,)
18 Plaintiff,)
19 vs.)
20 MILLENNIUM IMPORT LLC,)
21 Defendant.)
22)
23 AND RELATED CROSS-ACTION)
24)
25)
26)
27)
28)

**STIPULATION EXTENDING DATES
FOR EXPERT DISCLOSURES AND
EXPERT DISCOVERY; ORDER
[PROPOSED] THEREON**

Judge: Hon. James Ware
Action Filed: November 10, 2005
Trial Date: No Trial Date Set

1 Plaintiff Hambrecht Wine Group, L.P. d/b/a Belvedere Winery, L.P. and defendant
2 Millennium Import LLC, by and through their respective counsel of record, enter into the stipulation
3 set forth below in recognition of the following:

4 A. The Court's Scheduling Order dated May 23, 2006, provides that initial disclosures
5 and reports as to proposed expert witness testimony be lodged and served by November 17, 2006,
6 and that required disclosures concerning rebuttal expert witnesses be lodged and served no later than
7 December 1, 2006.

8 B. Certain discovery issues concerning information that may relate to expert testimony
9 have been submitted by motion to Magistrate Judge Howard R. Lloyd as of November 7, 2006. The
10 parties anticipate that the results of that submission may affect discovery related to materials
11 proposed to be provided to expert witnesses. In addition, the schedule presently set requires
12 preparation of rebuttal expert reports and materials within a brief two week period that spans the
13 Thanksgiving holiday. The parties desire to provide additional time for orderly preparation and
14 exchange of initial and rebuttal expert reports and disclosures.

15 C. The parties request that the Court approve the extension of the date for initial expert
16 reports and disclosures from November 17 to December 9, 2006, and the extension of the date for
17 rebuttal expert disclosures and reports from December 1, 2006, to January 12, 2007.

18 D. The parties further request that the Court permit the period for discovery as to experts
19 to be set as ending on February 9, 2007.

20 E. No previous request for extension of the foregoing dates has been made or granted.
21 The proposed extensions will not affect the case schedule, including the date for hearing dispositive
22 motions, and preliminary pretrial and trial setting conference, which the parties do not seek to
23 change by this Stipulation.

24 ACCORDINGLY, THE PARTIES STIPULATE AS FOLLOWS:

25 1. The due date for initial expert reports and disclosures is hereby extended from
26 November 17, 2006 to December 8, 2006, and the due date for rebuttal expert reports and
27
28

1 disclosures is hereby extended from December 1, 2006, to January 12, 2007. The period for
2 completion of discovery as to expert witnesses shall end on February 9, 2007.

3 DATED: November 8, 2006

Respectfully submitted,

4 REED SMITH LLP
5 Peter D. Raymond, Esq.
(*Pro Hac Vice*)

6 BERRY & PERKINS
7 A Professional Corporation
James H. Berry, Jr.
8 Kevin R. Lussier

9 By: /s/ James H. Berry, Jr.
10 James H. Berry, Jr.
11 Attorneys for Defendant and
Counterclaimant
12 MILLENNIUM IMPORT LLC

13 DATED: November 8, 2006

14 HAMBRECHT WINE GROUP, L.P. d/b/a
15 BELVEDERE WINERY, L.P.
16 *By its Attorneys, Appearing Pro Hac Vice,*

17 BROMBERG & SUNSTEIN LLP

18 /s/ Erik Paul Belt

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ORDER

The Court having reviewed the foregoing Stipulation, and good causing appearing therefor,

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 14, 2006

HON. JAMES WARE
UNITED STATES DISTRICT JUDGE

BERRY & PERKINS
A PROFESSIONAL CORPORATION